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REMARKS

The Office Action mailed February 26, 2008 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Claim Status

By this Amendment, Applicants have cancelled Claims 3 – 7, withdrawn Claims 8 – 11, and amended Claims 1 and 2. Consequently, the claims under consideration are believed to include Claims 1 and 2.

Claim Rejections Under 35 USC § 103

Claims 1 – 7 stand rejected under 35 USC § 103(a) as being unpatentable over Haile, et al., (US Patent No. 6,200,948) in view of WO 99/05226. This rejection is respectfully overcome.

Applicants respectfully can not agree. Haile, et al., disclose at Col. 30, lines 48 to 52, that any optical brightener may be added to the polyester of the invention (emphasis added). This means that the optical brightener is added after the polyester has been prepared by commonly known processes for example transesterification or direct esterification. This is in stark contrast to newly amended Claim 1, which is directed to a process wherein the at least one granulated optical brightener is added during the transesterification or esterification process or during polycondensation (emphasis added).

A sustainable *prima facie* case of obviousness, requires that the prior art contain some suggestion or incentive that would have motivated the skilled artisan possessing common sense at the time of the invention to modify a reference or combine references in a manner to arrive at the claimed invention.

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In view thereof, one with ordinary skill in the art having a knowledge of both Haile, et al., and WO 99/05226, would find no motivation to arrive at the instantly claimed invention. Specifically, the instantly claimed at least one granulated optical brightener made from a powder consisting of an optical brightener, is nowhere present in Haile, et al., alone, or in combination, with WO 99/05226. It is, therefore, respectfully contended that the Office can not sustain a *prima facie* case of obviousness against amended claim 1 and all claims depending there from.

For at least the reasons stated above, regarding the lack of teaching, suggestion, or motivation provided by Haile, et al., Applicants are of the courteous position that the §103 rejections of Claims 1 – 2 have been overcome. Reconsideration and withdrawal of the §103 rejections of Claims 1 – 2 are respectfully and earnestly solicited.

Claims 3 – 7 have been cancelled by this Amendment, therefore the §103 rejections of these claims are moot.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the Agent for Applicant at the telephone number provided below.

Respectfully submitted,



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